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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/506,373

02/07/2005

Anand Ramchandra Mahadeshwar

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EXAMINER

BOYER, CHARLES I

ART UNIT

PAPER NUMBER

1796

NOTIFICATION DATE

DELIVERY MODE

07/23/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentgroupus@unilever.com

Office Action Summary	Application No. 10/506,373	Applicant(s) MAHADESHWAR ET AL.	
	Examiner Charles I. Boyer	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/25/05, 5/12/08</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Patel et al, US 5,346,642.

Patel et al teach a hair conditioning shampoo comprising aminosilicone, fatty alcohols, ethoxylated fatty alcohol, paraffin wax, mineral oil, isoparaffin, additional nonionic surfactant, and the balance water (col. 12, lines 40-61). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to properties of the hydrocarbon and silicone such as droplet size and viscosity, as the reference teaches the identical components in the identical proportions of applicants' the examiner maintains these limitations are satisfied. As far as the silicone and hydrocarbon being contained in the same droplet limitation, it is well known that oil

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and water components do not mix, and so hydrophobic components will cling together in an aqueous environment.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Inoue et al, US 2005/0091763

Inoue et al teach a hair treatment comprising aminosilicone, fatty alcohols, ethoxylated alcohol nonionic surfactant, liquid paraffin, and the balance water (144). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Noguchi et al, US 5,968,492.

Noguchi et al teach a hair treatment comprising aminosilicone, fatty alcohol, ethoxylated nonionic surfactant, liquid paraffin, amine oxide, cationic surfactant, and the balance water (col. 28, example 24). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 1-8 and 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiraishi et al, US 6,048,519.

Hiraishi et al teach a hair treatment comprising aminosilicone, fatty alcohol, cationic surfactant, paraffin wax, and the balance water (col. 10, example 5B). As this

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reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bhambhani et al, US 6,143,286.

Bhambhani et al teach a hair conditioner comprising aminosilicone, fatty alcohols, ethoxylated fatty alcohols, mineral oil, and the balance water (col. 24, lines 20-61). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 1-8 and 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Torgerson et al, US 6,165,455.

Torgerson et al teach a hair treatment comprising aminosilicone, fatty alcohols, cationic surfactants, permethyl, and the balance water (col. 35, examples 8-10). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kouzu et al, US 6,190,648.

Kouzu et al teach a hair treatment comprising aminosilicone, ethoxylated fatty alcohol nonionic surfactants, liquid isoparaffin, and the balance water (col. 12, example

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13). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellis et al, US 6,432,420.

Ellis et al teach a hair treatment comprising aminosilicone, fatty alcohols, ethoxylated fatty alcohol nonionic surfactants, paraffin wax, cationic surfactant, and the balance water (col. 11, example 3). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571 272 1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charles I Boyer
Primary Examiner
Art Unit 1796

/Charles I Boyer/
Primary Examiner, Art Unit 1796